

United States District Court
EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

UNITED STATES OF AMERICA §
§
v. § NO. 5:20-CR-5-1
§
CEDRIC ELLIS §

DEFENDANT'S SENTENCING MEMORANDUM

Cedric Ellis, Defendant herein, presents to the Court the following issues for consideration in Defendant's sentencing:

I.

Cedric Ellis is a 46-year-old man originally from the Collin County, Texas area, but more recently making his home in Mexia, Texas. He has worked consistently throughout his life and has been a productive member of society until his arrest for this incident. Following his arrest, he was cooperative with law enforcement and has continued to be so.

II.

In certain cases, the provisions of the "safety valve" may be available to reduce a defendant's offense level or allow the Court to sentence below a statutory mandatory minimum. However, after researching the potential applicability of the safety valve provisions of the United States Sentencing Guidelines and the newly enacted First Step Act to this case, defense counsel found neither to be available to reduce the Guideline sentence and Defendant therefore had no objections to the PSR. This inapplicability stems from Defendant's only prior conviction, a misdemeanor, discussed in Paragraph 28 of the PSR, for which he was assessed 2 criminal history point, resulting in a criminal history category of II. The Fifth Circuit has determined that his

conviction for Assault under Texas Penal Code §22.01(a)(1) is a “crime of violence” and therefore a “violent offense” under the provisions of both the Guidelines and First Step Act, thereby negating the applicability of the safety valve. Defense counsel has discussed these findings with Defendant and this paragraph is included to show that this potential reduction was considered by the defense, but it was not submitted to the Probation Office or the Court for the reasons stated herein. However, the Court may still vary from the guideline sentence under the provisions of 18 U.S.C. §3553(a), which Defendant so requests.

III.

As Defendant’s family is from the Dallas, Texas area, he requests designation to a federal prison near Dallas, preferably FCI Seagoville or Fort Worth, Texas.

WHEREFORE, based upon the foregoing arguments, Defendant prays that the Court consider these factors in setting a sentence that is reasonable, but not greater than necessary, and for any such other relief to which he may be entitled.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Jeff Harrelson, Attorney at Law, hereby certify that I have on this 23rd day of February, 2021, served the foregoing by electronic mail to the persons listed below:

/s/ **Jeff Harrelson**
Jeff Harrelson

Mr. Jonathan R. Hornok
Assistant United States Attorney

Ms. Natalie Estrada
United States Probation Officer